Court No.2

Restoration Application No.1998 of 2003.

IN

Writ Petition No. 2307 (M/S) of 2001.

Mukesh Jain ..... Petitioner

Versus

District Judge, Dehradun and others. ….. Respondents.

…….

Hon'ble P.C.Verma,A.C.J.

This is a restoration application to recall the order dated 21.10.2002. The case was listed on 21.10.2002 at serial No. 12 in the cause list of Court No. 2 giving full particulars of the case including the names of the counsel for the parties.

In the affidavit filed in support of the application no reasonable ground has been mentioned for the absence of either Sri A.P.Srivastava Advocate or Sri Sudhir Singh Advocate, learned counsel for the petitioner. No mention was made for the adjournment of the case on behalf of these counsel on the date fixed. On the previous occasion adjournment was sought by Sri Sudhir Singh, learned counsel for the petitioner in the matter. On 21.10.2002 when the case was dismissed, none appeared. Even otherwise the writ petition has been filed challenging the order passed under Section 12 of the U.P. Act No. XIII of 1972 (hereinafter referred to as the Act).

After declaration of the vacancy under Section 12 of the Act, an application was moved for release under Section 16 of the Act and the accommodation in question has been released in favour of the landlord. The order passed under Section 16 of the Act for allotment and release of the accommodation is revisable order under Section 18 of the Act. Now therefore the petitioner has remedy under the Act itself.

In view of above, I am not inclined to restore the writ petition. The restoration application is accordingly rejected.

(P.C.Verma,A.C.J.)

12.05.2003
P.Singh